



# UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/539,505

01/09/2006

Joerg Rosenberg

M/43212-US-1

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04/11/2008

NOVAK DRUCE DELUCA + QUIGG LLP

1300 EYE STREET NW

SUITE 1000 WEST TOWER

WASHINGTON, DC 20005

EXAMINER

CHO, JENNIFER Y

ART UNIT

PAPER NUMBER

1621

MAIL DATE

DELIVERY MODE

04/11/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Interview Summary</b>	<b>Application No.</b> 10/539,505	<b>Applicant(s)</b> ROSENBERG ET AL.	
	<b>Examiner</b> JENNIFER Y. CHO	<b>Art Unit</b> 1621	

All participants (applicant, applicant's representative, PTO personnel):

(1) JENNIFER Y. CHO, Yvonne Eyler.

(3) Johanna Corbin.

(2) Lisa Mueller.

(4) Guenter Blaich, Irene Reininger.

Date of Interview: 31 March 2008.

Type: a) ☐ Telephonic b) ☐ Video Conference  
c) ☐ Personal [copy given to: 1) ☒ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☒ Yes e) ☐ No.

If Yes, brief description: Demonstration of Powerpoint slides.

Claim(s) discussed: 1.

Identification of prior art discussed: Arzneim.-Forsch (Drug Res.) 26, Rd. 5 (1976) 889-894.

Agreement with respect to the claims f) ☒ was reached. g) ☐ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: We reached an agreement that the 102 reference does not teach fenofibric acid. The 102 rejection will be withdrawn. Applicant has agreed to file an RCE with new claim amendments. Applicant argued that the prior art taught away from using fenofibric acid due to gastrointestinal toxicity and discussed in-house data that showed no gastrointestinal toxicity for fenofibric acid. This argument and data will be made of record.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

/Jennifer Cho/ and /Yvonne Eyler/

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Examiner's signature, if required